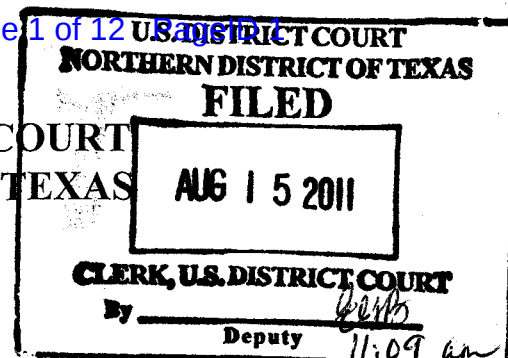


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS



MOTION UNDER 28 U.S.C. SECTION 2255,  
TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A  
PERSON IN FEDERAL CUSTODY

UNITED STATES OF AMERICA

vs.

United States Penitentiary - Coleman #2  
PLACE OF CONFINEMENT

# 39172-177  
PRISONER ID NUMBER

Bryan Kerr Dickson  
MOVANT (full name of movant)

No 4:09-CR-040-A  
CRIMINAL CASE NUMBER  
**4-11 CV-567-A**

(If a movant has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion in the federal court which entered the judgment.)

**INSTRUCTIONS - READ CAREFULLY**

1. This motion must be legibly handwritten or typewritten, and signed by the movant under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
2. Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities needs to be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
3. Upon receipt, your motion will be filed if it is in proper order. No fee is required with this motion.

4. If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute the declaration provided with this motion, setting forth information establishing your inability to prepay the fees and costs or give security therefor. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
5. Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different judges or divisions either in the same district or in different districts, you must file separate motions as to each such judgment.
6. Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the motion you file seeking relief from any judgment of conviction.
7. When the motion is fully completed, the original and two copies must be mailed to the Clerk of the United States District Court for the Northern District of Texas at the appropriate divisional office whose address is:

Abilene Division  
P.O. Box 1218  
Abilene, TX 79604

Amarillo Division  
205 E. 5th St, Rm 133  
Amarillo, TX 79101

Dallas Division  
1100 Commerce, Rm 1452  
Dallas, TX 75242

Fort Worth Division  
501 W. 10th St, Rm 310  
Fort Worth, TX 76102

Lubbock Division  
1205 Texas Ave., Rm 209  
Lubbock, TX 79401

San Angelo Division  
33 East Twohig St, Rm 202  
San Angelo, TX 76903

Wichita Falls Division  
P.O. Box 1234  
Wichita Falls, TX 76307

8. Motions which do not conform to these instructions will be returned with a notation as to the deficiency.

**MOTION**

1. Name and location of court that entered the judgment of conviction you are challenging:

United States District Court  
 For The Northern District of Texas  
 Fort Worth Division  
 501 W Tenth Street, Room 310  
 Fort Worth, Texas 76102

2. Date of the judgment of conviction:

(11/18/2009) November 18, 2009

3. Length of sentence: 60 years

4. Nature of offense involved (all counts):

1) Possession of Child Pornography  
 2) Interstate Commerce

5. (a) What was your plea? (Check one)

Not guilty ☒ Guilty ☐ Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge Only ☒7. Did you testify at the trial? (Check one) Yes ☐ No ☒8. Did you appeal from the judgment of conviction? (Check one) Yes ☒ No ☐

9. If you did appeal, answer the following:

Name of Court: 5th District Court Of AppealResult: DeniedDate of result: (12/06/2011) December 06, 2009

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes ☐ No ☒

11. If your answer to 10 was "Yes" give the following information:

Name of Court: \_\_\_\_\_

Nature of proceeding:

Grounds raised:

Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

Result: \_\_\_\_\_

Date of result: \_\_\_\_\_

As to any *second* petition, application or motion, give the same information:

Name of Court: \_\_\_\_\_

Nature of proceeding:

Grounds raised:

Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

Result: \_\_\_\_\_

Date of result: \_\_\_\_\_

As to any *third* petition, application or motion, give the same information:

Name of Court: \_\_\_\_\_

Nature of proceeding:

Grounds raised:

Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

Result: \_\_\_\_\_

Date of result: \_\_\_\_\_

Did you appeal to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

First petition, etc. Yes ☐ No ☐

Second petition, etc. Yes ☐ No ☐

Third petition, etc. Yes ☐ No ☐

If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

**CAUTION:** If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed. However, you should raise in this petition all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

DO NOT CHECK ANY OF THESE LISTED GROUNDS. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right to appeal.

## A. Ground One:

Conviction obtained by use of coerced confession by arresting officers

Supporting FACTS (tell your story briefly without citing cases or law):

I was in a drug induce state due to medication that I took for knee problems when I arrested. I was not awake or aware of what I was signing as far as admitting to me accessing the inappropriate website, showing the arresting officers where cd with files was. When I became aware I ask for a lawyer and stop answering any questions. I was badged by the arresting officials to admit to my crime. He told me that if I admitted to my crime that I would probably get my computer taken away from me and I would probably get probation or very little time in jail

## B. Ground Two:

Denial Of Effective Assistance Of Counsel by Mr Belcher (my Trial Lawyer)

Supporting FACTS (tell your story briefly without citing cases or law):

- 1) Last minute appointment of counsel, I didn't meet with counsel until 10 minutes before first court appearance
- 2) Failure to interview defendant 3) Failure to investigate defendant's background and/or prior 4) Failure to investigate defendant sanity 5) Failure to seek defendant's release on bail 6) Failure to notify court when differences arise between defendant and counsel 7) Failure to suppress of prior convictions, confession 8) Failure to notify inform defendant the judge knows of his criminal history before waiving Jury trial
- 9) Collusion between counsel and prosecutor 10) Failure to obtain civilian clothing for the defendant 11) Failure to make opening statement 12) Failure to cross examine witness 13) Failure to consult with defendant on presentence report 14) Failure to object to introduction of priors by prosecution 15) Not challenging priors during sentencing

## C. Ground Three: Proceedings

Denial Of Effective Assistance Of Counsel by Mr Biggs (my Appeal Lawyer to the 5<sup>th</sup> District Court Of Appeals and Mr Hawkins (my Appeal Lawyer to the Supreme Court)

Supporting FACTS (tell your story briefly without citing cases or law):

- 1) Failure to advise defendant of right to appoint counsel on appeal 2) Failure to consult with defendant, counsel refuse a meeting between defendant and counsel to discuss case. Counselor refuse to ask defendant his opinion in any matters in the appeal 3) Deceiving the defendant as to the existence of a appeal 4) Failure to file a timely brief because Public Defent is overworked 5) I never received a copy of a brief to the court until after it was filed, which give me no time to object to contents of brief filed 6) I was never keep informed about progress of appeal

D. Ground Four:

Denial Of Effective Assistance Of Judge

Supporting FACTS (tell your story briefly without citing cases or law):

i) Failure To seek disqualification of the judge by being influence by prior criminal background given by the Prosecutor 2) Failure to act when circumstances suggestion an unseemly desire by the judge to rush resolution of the case 3) Outrageous conduct by the judge by questioning witness instead of Prosecutor or Defence Lawyer

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them:

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing:



(b) At arraignment and plea:

Mr Belcher  
Assisant Federal Public Defender  
Federal Public Defender Office  
819 Taylor Street, Room 9A10  
Fort Worth, Texas 76102

(c) At trial:

Mr Belcher  
Assisant Federal Public Defender  
Federal Public Defender Office  
819 Taylor Street, Room 9A10  
Fort Worth, Texas 76102

(d) At sentencing:

Mr Belcher  
Assisant Federal Public Defender  
Federal Public Defender Office  
819 Taylor Street, Room 9A10  
Fort Worth, Texas 76102

(e) On appeal

Mr William Biggs (Appeal To The 5th District Court Of Appeals)  
Mr Jason Hawkins (Appeal To The Supreme Court)  
Assisant Federal Public Defenders  
Federal Public Defenders Office  
525 Griffin Street, Suite 629  
Dallas, Texas 75202

(f) In any post-conviction proceeding:

(g) On appeal from any adverse ruling in a post-conviction proceeding:

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

(b) And give date and length of sentence to be served in the future:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, movant prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Bryan Dickson Plaintiff  
Signature  
Bryan Dickson #39172-177  
United States Penitentiary - Coleman #2  
Firm Name (if any)  
Po Box 1034  
Address  
Coleman, Florida 33521-1034  
City, State & Zip Code

\_\_\_\_\_  
Telephone (including area code)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on 08/03/2011 (date).

August 03, 2011

Danjon Dickson #39179-177  
United States Penitentiary #2  
P.O. Box 1034  
Coleman, Florida 33581-1034

RECEIVED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION  
2011 AUG 15 AM 11:09  
CLERK OF COURT

LEGAL  
MAIL

Honorable Judge John McBride  
United States District Judge  
United States District Court  
Northern District of Texas  
FORT WORTH DIVISION  
501 W Tenth Street, Room 310  
Fort Worth, Texas 76102

LEGAL  
MAIL

Tampa/St. Pete FL 336  
THU 11 AUG 2011 PM



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[REDACTED]